IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

Crl.Rev.Pet.No. 108 of 1997()

CRL.A.214/1995 of ADDL.SESSIONS COURT, THALASSERY
CC.2/1990 of JUDL.MAGISTRATE OF FIRST CLASS-III(MOBILE), KANNUR

.....

REVN. PETITIONER: APPELLANT/ACCUSED

JANARDHANAN.K.V.
S/O.CHATHU
AGRICULTURIST
KUNHAPURAYIL VEEDU
ERAMAM AMSOM, MATHAMANGALAM DESOM.

BY ADV. SRI.K.SURENDRA MOHAN

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.108/97

ORDER ON CRL.M.P.NO.345/97 IN CRL.R.P.NO.108/97

DISMISSED

25.6.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.108 of 1997

Dated this the 25th day of June, 2007

O R D E R

The revision petitioner stands convicted for the offence under Sections 409 and 477A of IPC and sentenced to undergo R.I. for 1½ years each for the above offences. The conviction and sentence was confirmed by the court below.

2. The matter relates to the period of 1981-84. The crime was registered in 1985. The amount of misappropriation involved is a sum of Rs.4,942/-. It is submitted by the counsel for the revision petitioner that the petitioner has deposited the amount with interest. The allegation is that while he was working as extra departmental branch postmaster at Thiruvattoor Post office during the period of July 1981-84, he misappropriated the above sum from the various SB accounts of the post office. The evidence adduced in the matter consisted the testimony of PWs' 1 to 17, Exts. P1 to P117.

3. The counsel for the revision petitioner has only sought for leniency pointing out that more than 20 years have elapsed

since the commencement of the proceedings and that the revision petitioner is right now aged 50 years and without any employment. In the circumstances, I find that the sentence is liable to modified. Hence, the sentence imposed under Section 409 is modified to imprisonment till the rising of the court and to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for six months. No separate sentence is awarded for the offence under Section 477A IPC. The revision petitioner shall appear before the Judicial First Class Magistrate Court III, Kannur on 30.7.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

CRL.M.C.No.2824/2000

ORDER

21st June 2007

C.N.RAMACHANDRAN NAIR, J

O.P.No.12679/2001

JUDGMENT

8th March, 2007